

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Gary Mosher
147 Ironia Rd
Mendham NJ 07945
973 543-6003
Plaintiff Pro-Se

United States Courts
Southern District of Texas
FILED

JUL - 2 2008

Michael N. Milby, Clerk

Mosher, Gary

Plaintiff

VS.

Keanster, Cindy and Douglas Jones, Juan
Manuel Gutierrez-Garralda
&
Numerous John Does

Defendants

CIVIL ACTION No. _____

COMPLAINT
Jury Trial Requested

PARTIES

Plaintiff: Gary Mosher, 147 Ironia Rd, Mendham, NJ, 07945

Defendant: Cindy Keanster, 101 Hogan st apt4, Houston, Texas 77009 (713) 625-8743

Defendant: Douglas Jones, 1994 S. Hwy 77 Cameron, TX 76520 254-697-6496

Defendant: Juan Manuel Gutierrez-Garralda, +52 55 56525744, Risco 248-2, Col. Jardines del Pedregal, Mexico Distrito Federal, Mexico

Defendant: other yet unidentified John Doe's

JURISDICTION

The court's jurisdiction in this matter is predicated on its responsibilities cited in United States (DMCA) 17 U.S.C. 501 and issues of Diversity.

CAUSE OF ACTION

Plaintiff claims, and seeks opportunity to prove, that the named parties have participated in actions that have violated the Federal copyright protections of the plaintiff. Plaintiff further claims that these actions (public actions/statements) by the defendants were maliciously libelous, and defamatory, in violation of relevant state law.

Brief description of contextual facts: Both plaintiff and defendants have active accounts with youtube.com the most popular internet video display service. Defendants have produced numerous videos that use in various manifestations the video content produced by the plaintiff. Plaintiff believes the use constitutes malicious libel and defamation and falls outside any "fair use" exception to federal copyright protections. This action was initiated through filing of DMCA complaints in accordance with the youtube terms of service and enforcement policies.

Internet addresses of some relevant accounts:

Plaintiff Gary Mosher: <http://www.youtube.com/user/inmendham>

Defendants:

Cindy Keanster: <http://www.youtube.com/user/eternalundynglove>

Douglas Jones: <http://www.youtube.com/user/jonesr999>

John Does: <http://www.youtube.com/user/bcj999>

<http://www.youtube.com/user/TheYouToobPolice>

<http://www.youtube.com/user/thefakesaganclown>

<http://www.youtube.com/profile?user=FragUPlenty>

from relevant state statutes**CHAPTER 73. LIBEL****Sec. 73.001. ELEMENTS OF LIBEL.**

A libel is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.

Acts 1985, 69th Leg., ch. 959, Sec. 1, eff. Sept. 1, 1985.

Regarding John Doe (unnamed) defendants: Through subsequent motion, plaintiff will request orders of the court (consistent with the entire controversy doctrine and the necessity of discovery) to secure the precise identity of the parties to be added to this complaint.

DEMAND

Plaintiff respectfully demands the award of appropriate compensatory and punitive damages for the the financial, emotional, and otherwise determined harm caused the plaintiff. Plaintiff also respectfully demands the award of adequate compensation for the cost of legal process (court costs).



Gary Mosher (Plaintiff Pro-Se)
147 Ironia Rd
Mendham NJ 07945
[973 543-6003]

Date: June 26, 2008
Original +1: Clerk's Office
(6 copies) Clerk's Office
cc: None